

SUBSTITUTE AMENDMENT TO COMMITTEE PRINT
OF SUBTITLE D
(COMMUNICATIONS RECONCILIATION PROPOSAL)

OFFERED BY MR. TAUZIN OF LOUISIANA

[minimum recovery for public]

Page 6, beginning on line 9, strike paragraph (4) through line 24, and on page 10, after line 6, insert the following new subsection:

- 1 **(e) MINIMUM RECOVERY FOR PUBLIC REQUIRED. -**
- 2 **(1) METHODOLOGY TO SECURE MINIMUM**
- 3 **AMOUNTS REQUIRED.-**In establishing, pursuant to
- 4 section 309(j) (3) of the Communications Act of
- 5 1934 (47 U.S.C. 309(j)(3)), a competitive bidding
- 6 methodology with respect to the frequencies required
- 7 to be assigned by competitive bidding under sub-
- 8 section (b) of this section and section 115 (c) of the
- 9 National Telecommunications and Information Ad-
- 10 ministration Organization Act (47 U.S.C. 925(c)),
- 11 the Commission shall establish procedures that are
- 12 designed to secure aggregate winning bids totaling
- 13 not less than two-thirds of \$7,500,000,000.
- 14 **(2) AUTHORITY. -**In establishing such meth-
- 15 odology, the Commission is authorized—

1 (A) to partition the aggregate total re-
2 quired to be obtained under paragraph (1)
3 among separate competitive bidding proceed-
4 ings, or among separate bands, regions, or mar-
5 kets;

6 (B) to void any such separated competitive
7 bidding proceeding that fails to obtain the par-
8 titioned aggregate total that pertains to that
9 proceeding; and

10 (C) to prescribe minimum bids or other
11 bidding requirements to obtain such aggregate
12 total.

13 (3) LICENSES WITHHELD.-Notwithstanding
14 any other requirement of this section, or the amend-
15 ments made by this section, the Commission shall
16 refrain from assigning licenses pursuant to the
17 methodology established pursuant to this subsection
18 unless the Commission determines that such meth-
19 odology will secure aggregate winning bids totaling
20 not less than two-thirds of \$7,500,000,000.

21 (4) AUTHORITY TO REBID AT A LATER TIME TO
22 SECURE STATUTORY OBJECTIVES-Nothing in this
23 paragraph shall preclude or limit the Commission
24 from assigning the frequencies described in para-
25 graph (1) by competitive bidding at such later date

1 (than the date required by this section) as the Com-
2 mission determines, in its discretion, will better at-
3 tain the objectives of recovering for the public a fair
4 portion of the value of the public spectrum resource
5 and avoiding unjust enrichment.

Page 11, beginning one line 18, strike subparagraph
(C) through page 12, line 9, and insert the following:

6 “(C) MINIMUM RECOVERY FOR PUBLIC RE-
7 QUIRED.-

8 “(i) METHODOLOGY TO SECURE MINI-
9 MUM AMOUNTS REQUIRED.-In establish-
10 ing, pursuant to section 309(j)(3) of the
11 Communications Act of 1934 (47 U.S.C.
12 309 (j)(3)), a competitive bidding methodol-
13 ogy with respect to the frequencies re-
14 quired to be assigned by competitive bid-
15 ding under subparagraph (B) of this para-
16 graph, the Commission shall establish pro-
17 cedures that are designed to secure aggre-
18 gate winning bids totaling not less than
19 two-thirds of \$4,000,000,000.

20 “(ii) AUTHORITY.-In establishing
21 such methodology, the Commission is au-
22 thorized-

1 “(I) to partition the aggregate
2 total required to be obtained under
3 clause (i) among separate competitive
4 bidding proceedings, or among sepa-
5 rate bands, regions, or markets;

6 “(II) to void any such separated
7 competitive bidding proceeding that
8 fails to obtain the partitioned aggre-
9 gate total that pertains to that pro-
10 ceeding; and

11 “(III) to prescribe minimum bids
12 or other bidding requirements to ob-
13 tain such aggregate total.

14 “(iii) L I C E N S E S WITHHELD.—Not-
15 withstanding any other requirement of this
16 paragraph, the Commission shall refrain
17 from assigning licenses pursuant to the
18 methodology established pursuant to this
19 subparagraph unless the Commission de-
20 termines that such methodology will secure
21 aggregate winning bids totaling not less
22 than two-thirds of \$4,000,000,000.

23 “(iv) A U T H O R I T Y TO REBID AT A
24 L A T E R T I M E TO SECURE STATUTORY OB-
25 J E C T I V E S. -Nothing in this paragraph

1 shall preclude or limit the Commission
2 from assigning the frequencies described in
3 clause (i) by competitive bidding at such
4 later date (than the date required by this
5 paragraph) as the Commission determines,
6 in its discretion, will better attain the ob-
7 jectives of recovering for the public a fair
8 portion of the value of the public spectrum
9 resource and avoiding unjust enrichment.

Page 14, beginning on line 13, strike subsection (d)
through page 15, line 2, and insert the following:

10 (d) MINIMUM RECOVERY FOR PUBLIC REQUIRED.-
11 (1) METHODOLOGY TO SECURE MINIMUM
12 AMOUNTS REQUIRED.—In establishing, pursuant to
13 section 309(j)(3) of the Communications Act of
14 1934 (47 U.S.C. 309(j)(3)), a competitive bidding
15 methodology with respect to the frequencies required
16 to be assigned by competitive bidding under this sec-
17 tion, the Commission shall establish procedures that
18 are designed to secure aggregate winning bids total-
19 ing not less than two-thirds of \$1,900,000,000.
20 (2) AUTHORITY.—In establishing such meth-
21 odology, the Commission is authorized—

1 (A) to partition the aggregate total re-
2 quired to be obtained under paragraph (1)
3 among separate competitive bidding proceed-
4 ings, or among separate bands, regions, or mar-
5 kets;

6 (B) to void any such separated competitive
7 bidding proceeding that fails to obtain the par-
8 titioned aggregate total that pertains to that
9 proceeding; and

10 (C) to prescribe minimum bids or other
11 bidding requirements to obtain such aggregate
12 total.

13 (3) LICENSES WITHHELD.-Notwithstanding
14 any other requirement of this section, the Commis-
15 sion shall refrain from assigning licenses pursuant to
16 the methodology established pursuant to this sub-
17 section unless the Commission determines that such
18 methodology will secure aggregate winning bids to-
19 taling not less than two-thirds of \$1,900,000,000.

20 (4) AUTHORITY TO REBID AT A LATER TIME TO
21 SECURE STATUTORY OBJECTIVES.-Nothing in this
22 paragraph shall preclude or limit the Commission
23 from assigning the frequencies described in para-
24 graph (1) by competitive bidding at such later date
25 (than the date required by this section) as the Com-

1 mission determines, in its discretion, will better at-
2 tain the objectives of recovering for the public a fair
3 portion of the value of the public spectrum resource
4 and avoiding unjust enrichment.